

**CHIROPRACTIC EXAMINING BOARD
MEETING MINUTES
MAY 27, 2010**

PRESENT: Steven R. Conway, Wendy M. Henrichs, James P. Koshick, Mania Moore, Kathleen Schneider and Steven J. Silverman (*connected by phone, see the minutes notation for times*)

STAFF: Angela Arrington, Bureau Director; Yolanda McGowan, Legal Counsel; Kimberly Wood, Bureau Assistant; and other DRL Staff

GUESTS: Dave Michel, Petty, Michel & Associates; Paul Gabriel, Wisconsin Technical College District Boards Association (WTCDBA); Elizabeth McLean & James Eden, Moraine Park Technical College; Cassy Kraft, Park Technical College – CT Program Student; Morna Foy, Wisconsin Technical College System (WTCS); Corrine Seidel, Park Technical College – CT Program; Mike & Sue Turowski, General Public; Patti Barholen, Chiropractic Health & Wellness Center; Linda Capra, D.C., General Public; Julie Belville, General Public

CALL TO ORDER

Wendy Henrichs, Chair, called the meeting to order at 8:37 a.m. A quorum of six (6) members was present.

ADOPTION OF AGENDA

Amendments to the Agenda:

- Item “F” – Change title from “Discuss and Adopt proposed Course Content Areas to Meet the Pre-Certification Education Requirements of Chiropractic Technician” to “Discuss and Adopt the Application for Credential Form for Chiropractic Technician Effective July 1, 2010”
- Item “C” – REMOVE: “Changes in the Continuing Education Administrative Process – Jill Remy” from the agenda under “Administrative Report”.

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 18, 2010

Amendments to the Minutes:

- Page 7 of the Agenda: Complete the sentence under the item titled “Legislation/Administrative Rules”

- Page 7 of the Agenda: Under the item titled “Credentialing/Education and Examination Issues” below the sub-header titled “Chiropractic Technician Delegation Program Review” correct the motion as follows: “...to approve the CDT Delegation...”

MOTION: Kathleen Schneider moved, seconded by Mania Moore, to approve the Minutes of March 18, 2010 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT ANGELA ARRINGTON, BUREAU DIRECTOR

Angela Arrington introduced herself as Bureau Director and Yolanda McGowan was announced as Legal Counsel to the Board.

Department Updates

After stating housekeeping items, Angela Arrington announced the appointment of two new Administrators within the Department: Jim Parker of the Division of Enforcement and John Lease of Board Services.

Late Additions Policy

Angela Arrington and the Board reviewed the Department’s policy on the use of the agenda request form and submission of late agenda items. Dr. Conway inquired about late agenda additions by board members. Angela Arrington indicated that board members should feel free to contact her regarding any items they wish to include on the Board’s agenda.

Case Advisor Policy Update – Division of Enforcement

Heather Curnutt, Supervising Attorney-Division of Enforcement (DOE), addressed the Board regarding the new case advisor policy. She indicated that changes in this policy are a result of efforts by the Division of Enforcement to streamline existing processes and expedite case handling. The Board posed questions to clarify the process and to better understand the new policy.

Changes in the Continuing Education Administrative Process

The Board removed this topic from today’s agenda opting to discuss this matter at a future meeting.

Appearance – Secretary Celia Jackson

Secretary Celia Jackson appeared before the Board. She addressed the Board and referenced a Department sponsored outreach session that occurred in April 2010. She indicated that this outreach session was held to discuss changes in law and the effects of those changes as it relates to the Chiropractic Examining Board and its professions. The Secretary indicated that the

Department sent out a mailing to all licensed chiropractors in an effort to inform the chiropractic profession of upcoming changes in law, specifically regarding chiropractic technicians (CT) and grandfathering of these individuals effective July 1, 2010.

Secretary Jackson expressed serious concern about the existing relationship between the Board and the Department. Secretary Jackson informed the Board that she has identified three particular issues that she finds problematic and expressed those issues as outlined below.

1. Practical Examination

Secretary Jackson stated her opinion that the Board seems to be very determined to use live subjects as part of its practical examination. She went on to state that the Department has advised the Board on several occasions that it would be very difficult to administer an exam utilizing live patients as it is very costly, because of a number of liability issues and as it is not essential to determine the competence of an applicant. The Secretary indicated that she has another substantial concern regarding the security of the multiple choice portion of the proposed exam and its development. She informed the Board that she tasked Michael Berndt, General Counsel, with the preparation of a memo that addresses the role of both the Department and the Board as outlined by the Wisconsin Statutes and noted that this memo indicates that there is overlapping jurisdiction in the work that is performed.

Secretary Jackson expressed that what is very clear, is that while the Board deals with the core function of the chiropractic profession, the Department and her as its Secretary are charged with the responsibility for development and administration of the Board's examination and a number of other areas related to the chiropractic profession. She stated that the Board and the Department do not seem to be in sync on exam development. The Secretary stated that there are fundamental issues that are present with the Board and the administration of the work that is happening with the chiropractic profession.

2. The Notion of Chiropractic Technicians (CT) and Chiropractic Radiologic Technicians (CRT) and the Definition

The Secretary indicated that the Board and Department are in the midst of the CT/CRT grandfathering piece and quoted the definition of grandfathering as "The process of granting a credential to a person currently practicing in the field based on their past training and experience." She indicated that the Board has designated one (1) liaison, Steven Silverman, to review and make approval for CT and CRT courses for grandfathering only. In the Secretary's opinion there is a big distinction between the pre-certification for a person being licensed and continuing education which is post license. Secretary Jackson noted that she has addressed the Board a number of times regarding its Chair having the responsibility of continuing education review and approval while having the responsibilities of a chairperson.

The Secretary reiterated that she is really concerned about pre-certification, the qualifications for a person to be able to move into a particular profession, which the Secretary believes to be within the purview of the Department. The Secretary reiterated that no liaison has been appointed for "pre-certification" of CT/CRT's and if the Board appoints a liaison to make approval decisions for permanent CT or CRT pre-qualification, the questions are as follows:

1) What courses will meet the requirement for the pre-certification?

Secretary Jackson referred to a document the Board received as a late agenda addition titled “CT Equivalent Course Titles” which outlines a number of different courses and indicated that she wasn’t sure what the Board is asking the Department to do with this information respective of the pre-certification of CTs on qualifying individuals for grandfathering. The Secretary expressed the opinion that the education appeared to be a bit of a patchwork of courses. She stated that there are schools that offer an entire curriculum that would enable people to obtain the course of study that they need and the core skills required to practice as a CT.

The Secretary indicated that she has been receiving communication from concerned individuals. She stated that one (1) individual indicates that her CT passed away and voices concerns about how her new CT will become qualified for a credential. She indicated that a group of individuals will be graduating with a degree in a course of study and will not meet the requirements necessary to obtain a CT credential via grandfathering. Secretary Jackson stated that the Board has not dealt with what will happen to these individuals.

Secretary Jackson then directed the Board’s attention to a document titled “Chiropractic Technicians – Proposed Course Content Areas for Pre-Certification Education Requirements” (*page 26 of the agenda packet*) and indicated that this document outlined CT equivalent course content, provided by the Department. She indicated that these are programs that involve a full course of study and would qualify applicants for a CT credential.

3. Online Continuing Education (CE)

Secretary Jackson indicated that she also wishes to address online continuing education. She stated that when the Board and Department held a listening session in April there were a number of communications received regarding the ability to satisfy renewal requirements via online continuing education. The Secretary noted that the response from the Chair was that the Board has already handled this issue. Secretary Jackson indicated, however that this issue is still alive as far as people in this profession are concerned. The Department received over fifty (50) letters that requested the acceptance of online continuing education and have been included in the Board’s agenda materials. The Secretary indicated her opinion that the Board needs to listen to the licensees that are expressing concerns about continuing education and that their voices need to be heard. She added that she thinks the Board has a lot of concerns here.

Board Chair, Dr. Wendy Henrichs replied to the statements made by Secretary Jackson. She stated that the Secretary’s comment relating to her statements regarding online continuing education requests, that it had been handled previously, was untrue. Secretary Jackson replied that Dr. Henrichs did state that the Board has already made a decision regarding online continuing education. Dr. Henrichs clarified that she did not state that the Board had made a determination about this issue, rather that the Board had previously discussed this issue. Dr. Henrichs indicated that she felt that at this time the state exam is of the utmost importance as the exam must be produced by the end of this year. She stated that the Secretary is correct that the

Board and Department are deadlocked and indicated that, for whatever reason, the Secretary has taken a position that is different from that of the Board. Furthermore, Dr. Henrichs stated that the Board passed a motion to utilize live subjects for the purpose of the practical examination and at that point the Department chose to stop working with the Board. She indicated that the Board has continued to work as a workgroup in developing the exam. Dr. Henrichs added that the Board is at a point where it has to know what is going to happen. She indicated that she has a number of questions that need to be answered in the terms of how the Board is going to administer this exam. She noted that there are a number of things that will need to occur in the coming months in order to administer the exam. Dr. Henrichs stated that it is the Secretary's choice not to agree with decisions of the Board, but noted that the Board has made its decision. She informed Secretary Jackson that in her tenure on the Board there have been many decisions that have been passed that she has not been in agreement with, but as she is a Board member she follows through with those decisions whether she agrees with them or not. Dr. Henrichs expressed that she does not know what the responsibilities of the Department are and requested an analysis be conducted by Legal Counsel. Additionally, she stated that there was supposed to be some sort of a discussion between Secretary Jackson, Legal Counsel, the Bureau Director, and herself, which was to be scheduled between this meeting and last, has not occurred. Dr. Henrichs stated that she has questions that need to be answered. She indicated that she thinks that all of the Board members take their responsibilities very seriously, they each have been appointed to do this job.

Dr. Henrichs then stated that the issues that Secretary Jackson has brought forth in terms of the CT and CRT are going to be discussed and they will be resolved today. She agreed with Secretary Jackson that they are very important decisions. Secretary Jackson was given Dr. Henrichs assurance that the agenda item titled "Discuss and Adopt proposed Course Content Areas to Meet the Pre-Certification Education Requirements of Chiropractic Technician" will be taken care of, however it may not be in the manner that the Department wants the Board to take care of them, but it will be the way the Board chooses to best serve the public and the profession at this time.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS OR ANY SIGNED AFTER MAILING OF THE AGENDA

None.

PRECEPTOR APPROVALS OR ANY RECEIVED AFTER PRINTING OF AGENDA

The following requests for approval of preceptors have been submitted to the DRL forty-five (45) days in advance of the beginning of the school's next trimester:

<u>School</u>	<u>Chiropractor</u>	<u>Year Lic. Granted</u>
<u>Palmer (Pregrad)</u>	Wendy Henrichs	12/02/1993
	Bryan Gerondale	12/01/1982
	Kevin Herrle	03/11/1999
	Daniel Hyatt	02/08/1990

	Michael Saatkamp	10/27/1984
	David Stoiber	2/17/1976
<u>Palmer (Postgrad)</u>	Charles Heike	12/30/1977
	John Corsi	12/14/2001
	Terry Wepner	07/16/1983
	Brian Anderson	12/01/1988
<u>Northwestern (Pregrad)</u>	Bradley Wildberg	07/30/1980
	Brian Senoraske	12/21/2000
	Jennifer Waidelich	02/23/1989
	Renee Felver-Christensen	03/11/2003
<u>Northwestern (Postgrad)</u>	David Hackbarth	03/19/1992

MOTION: Steven Conway moved, seconded by James Koshick, to approve the preceptors as presented. Motion carried. Abstained: Wendy Henrichs

FAILURE TO RENEW

Mania Moore indicated that failure to renew has come up in screening panel meetings and voiced her concern that no action is taken. Dr. Koshick stated that he believes that there is action when an issue is brought to the attention of the Board, unless there is a hardship, and added that remedial actions are taken against individuals that fail to renew. The Board noted that there is no need for the Board to further address this issue.

REQUEST TO DELEGATE SCREENING OF SOME COMPLAINTS TO DIVISION OF ENFORCEMENT COMPLAINT INTAKE STAFF

Dennie Petersen, DOE Complaint Intake Supervisor, appeared before the Board to discuss the Department's request to provide delegated authority to the Division of Enforcement Complaint Intake Staff as outlined in the Board's agenda packet.

The Board discussed its concerns relating to the delegation of complaint screening. Dennie Petersen fielded the Board's questions pertaining to the delegation of complaint screening. The Board took the action described below:

MOTION: Steven Conway moved, seconded by James Koshick, to delegate authority for items 1, 2 and 4, as outlined on page 32 of the Board's May 27, 2010 agenda packet, to the Division of Enforcement complaint intake staff. Motion carried unanimously.

LEGISLATION/ADMINISTRATIVE RULES

Discuss Possible Legislation Related to "Posting the Average Cost for Services"

Yolanda Mc Gowan indicated that at the last meeting Dr. Steven Conway inquired about a bill that would require the posting of the average cost for services and its impact, if any, on the chiropractic profession. Yolanda McGowan indicated that in response to this inquiry she located, 2009 AB 614, relating to the disclosure of information by healthcare providers, hospitals and insurers and providing a penalty for failure to do so. AB 614 has since been codified into law under 2009 Wisconsin Act 146. She explained that this law outlines that upon the request of a consumer, that the health care providers, as outlined or their designees are required to disclose to consumers, within a reasonable amount of time, the meeting charges for particular services for health care service, diagnostic tests or services specified by the consumer. She added that the healthcare provider cannot charge the consumer for providing information. The Board requested that information regarding the requirements of 2009 Wisconsin Act 146 be placed on the website as an informational item.

CREDENTIALING/EDUCATION AND EXAMINATION ISSUES

Discussion Related to Re-consideration of Life University Continuing Education Department's Koren Specific Technique Seminar/Program

Wendy Henrichs indicated that this course has been reviewed on a number of different occasions over the past several years and has been denied by Steven Silverman and herself. She stated that when a course raises questions Dr. Henrichs and Dr. Silverman conduct research, if they do not come to an agreement regarding the denial of a course the matter is brought to the Board for its consideration. The Board will revisit this topic at its next meeting.

Discuss and Adopt the Application for Credential Form for Chiropractic Technician to be Effective After July 1, 2010

Dr. Henrichs informed the Board that she accepted a request made by a member of the audience to address the Board relating to this topic. Paul Gabriel, Wisconsin Technical College District Boards Association (WTCDBA), appeared before the Board to address his concerns. Mr. Gabriel provided the Board with a letter that he drafted that was distributed at the Board meeting. He reviewed this letter and expanded upon the content of his correspondence.

Paul Gabriel reiterated to the Board that there are a number of individuals in attendance of today's meeting that are concerned that the Board will harm the public interest if it establishes a CT title that fails to meet the interest of the public, of the individuals graduating from these programs, the teachers of these programs, and of those that have accredited such programs.

Dr. Koshick stated that he would like to address Paul Gabriel's concerns. He stated that he agrees that grandfathering was an error, but thinks that the issue is resolvable. Dr. Henrichs informed Mr. Gabriel that the first issue he addressed will be resolved by the Board at today's meeting.

Wendy Henrichs outlined her perspective to the Board in relation to what she sees as a two (2) part issue. She began by saying that July 1, 2010 is quickly approaching and the Board has a credentialing form that is being utilized up until June 30, 2010. She suggested that the Board

determine what will happen to those individuals that will apply for a credential after July 1, 2010, and indicated that currently there is no application form prepared for use after that date. She stated that this thought process led her to request the change in the title of this agenda item so that the Board can address this issue today. She indicated that some of the concerns expressed today will be addressed when the Board discusses the grand-fathering credential form and what information is and is not to be on the form. Dr. Henrichs then noted that the second part of this issue is in terms of the content and indicated that she thinks that, in relation to the work of the Board, rulemaking would be required to effect change and could not be accomplished by July 1, 2010. She feels that the Board should take care of the business that needs to be addressed to ensure that there is not a lapse in an applicant's ability to obtain employment or credential, and then if the Board chooses, it can address some of the other issues in terms of standards and content and stated that in conjunction, the Board may also wish to consider what will happen down the road.

The Board had discussion and came to the determination that it would entertain public comments, if the need is evident, post discussion. The Board agreed that it should address the immediate issues and address issues of standards later. The Board was cognizant of the fact that there are graduates with an appropriate degree that have not been or will not be employed when they apply for credential and as such would not be able to obtain a credential via grand-fathering provisions. Wendy Henrichs proposed that the Board eliminate the credentialing requirement mandating a chiropractic doctor's signature. She felt that this removes the employment barrier for applicants, but still requires the applicant to obtain education in an area of delegation in order to apply for credential in said area. The Board discussed an inquiry of Dr. Silverman gauging its desire to pursue a requirement that an applicant document the name of their supervising chiropractic doctor once a supervisory relationship has been established. The Board decided that complete removal of the supervisor signatory requirement would address a significant amount of the issues surrounding the application and the CT credential. Dr. Henrichs indicated that she had envisioned the Board to use the application form that the Board is currently using for CT grand-fathering as the application form to be used after July 1st, with the exception that the application form will no longer require a signature of a chiropractic doctor thus suggesting a requirement for employment.

The Board received a printed copy of the statute relating to the CT credentialing requirements, which become effective July 1, 2010. After discussion by the Board and Department staff, a motion was put to the floor.

MOTION: James Koshick moved, seconded by Steven Conway, to use the current grandfathering application forms for certification as a certified radiologic technician (CRT) and chiropractic technician (CT) without requirement of doctor signature, effective immediately. Motion carried unanimously.

Dr. Henrichs indicated that the Board should identify how it should move forward in terms of a definition for chiropractic technician. She stated that if the Board wishes to address this topic it should be considered on a future agenda so that the Board can approach this topic thoughtfully and carefully. The Board expressed general agreement that thorough discussion and exploration is need to address the CT definitions.

(Dr. Silverman was excused from the meeting at 12:05 p.m.)

Yolanda McGowan proceeded to request clarification from the Board regarding course of study approved by the Board. She asked if at this point is there are any programs that have been approved by the Board as a course of study for precertification of CTs. The Board responded that there are several approved programs in specific specialties, but noted these are not comprehensive courses rather they are courses relating to the CT specialties. Dr. Henrichs noted that Dr. Silverman and she have been approving these courses and that they will continue to do so going forward. Kris Hendrickson asked if the Board could provide a definition of each of the CT specialty categories and the number of hours required per course as the course titles have been approved, but there is no definition of what the required education consists of. Dr. Henrichs indicated that the Board is addressing courses that have, by precedent, been approved by the Board and that the Board is not considering anything new, but is considering what has been approved and will continue to approve those courses via the same procedure it has utilized in the past. She indicated that this will remain the practice until the Board makes a decision to do something differently. Yolanda McGowan asked if these courses were previously approved as continuing education. Dr. Henrichs indicated that these courses were not previously approved as continuing education rather they were approved as training. Dr. Conway indicated that if he should want a CT to have training in a certain area then he could have this individual attend a course in the specific area. Dr. Henrichs explained the course approval process and noted that this process, as agreed upon by both Dr. Silverman and herself, is not anticipated to change at this time. She also indicated that the course approval process has actually increased the internal approval standard. The Board discussed approval as outlined in Chiro 10, Wis. Admin. Code.

Dr. Henrichs took a moment to acknowledge guests that had raised their hands to comment and indicated that the Board will allow for public comment under the public comment section of the agenda.

Kris Hendrickson asked if the Department will continue to send the courses submitted for approval to Dr. Silverman, in his role as credentialing liaison, every time she receives a course. She informed the Board that these are courses that are not listed on the form that the Department is seeing and that each meets a category, but with a different name or title of the course. Dr. Henrichs indicated that Ryan Zeinert sends Dr. Henrichs and Dr. Silverman the programs, or course of study as it was discussed today, and for each individual specialty. She noted that she doesn't see the approval system changing, nor does she suspect that Dr. Silverman would see the process changing. Cathy Pond stated that any information transmitted by Ryan Zeinert would be continuing education and that what Kris Hendrickson is referring to is pre-licensure. Dr. Henrichs indicated that any of the courses received by Dr. Silverman and herself, up to this point has been prequalifying education and is considered training. She added that continuing education requirements will begin December 15, 2010 and the Board will discuss this matter as a Board, but not today.

Request for Approval of Education for Radiography

The Board reviewed a radiography program for approval as meeting the standards to obtain a chiropractic radiologic technician (CRT) credential. Yolanda McGowan asked for clarification from the Board as she was of the understanding that the Board does not retroactively approve

education. Dr. Henrichs clarified that the Board's prohibition for retroactive approval is applicable to continuing education only and does not apply to the approval of education for credentialing as a CRT or a chiropractic technician (CT). She stated that Chiro 10, Wis. Admin. Code, outlines time designations for continuing education approval and that such designation does not exist for the educational approval of CTs or CRTs.

Discussion was held regarding delegation. The Board requested that Yolanda McGowan draft a practice question to address the issue of delegation and asked that this question be placed on the Department's chiropractic "Practice FAQ" page. The Board asked for a distinction between delegated services being performed by an unlicensed person without applicable training and a licensed individual performing services that are within their scope of practice. Michael Berndt, General Counsel, commented to the Board stating that the duties performed by CRTs would not be in the scope of many professions.

MOTION: Steven Conway moved, seconded by James Koshick, to approve Melanie S. Becker to meet the radiography educational requirement. Motion carried unanimously.

MOTION: James Koshick moved, seconded by Mania Moore, to approve anyone with a current/valid certification of the American Registry of Radiologic Technologists (ARRT) as satisfying the requirements for chiropractic radiologic technician. Motion carried unanimously.

Gail Pizarro, Ph.D., Examination Specialist, provided a point of information to the Board stating that there are three different credentials that the ARRT provides; 1) a certification level credential, 2) a credential at the associate degree level, and 3) a higher level credential which is typically at the bachelors level. She indicated her opinion that the Board is making a decision in a general fashion and noted that the certificate has different requirements from the associate degree credential. Dr. Henrichs informed the Board that the ARRT certificate meets the Board's 48 hour requirement.

Kris Hendrickson, Credentialing Supervisor – Health Professions, asked the Board if the ARRT certification would qualify as meeting the educational requirement for initial certification as a CRT, if it is only for the grandfathering of CRTs or if it is acceptable for both. Wendy Henrichs indicated that the Board has already addressed the grandfathering, but the Board will address what will happen after July 1, 2010 when the Board has the opportunity to have this discussion.

Discussion Related to Practical Exam

Wendy Henrichs indicated that portions of the practical examination discussion will occur in closed session due to the sensitive nature of the exam content. She felt that there are issues that need to be addressed as a Board. She went on to state that there are a number of things for the Board to consider and the Board will need the assistance of the Department in determining how to administer this examination.

After additional discussion by the Board, Secretary Jackson and Department staff, Dr. Henrichs announced that the Board would need to move into closed session as the Board has a special

guest appearing. She indicated that the Board would defer its open session items, convene to closed session for the purposes of its appearance and will return to open session discussion following closed session proceedings.

Angela Arrington advised guests of today's meeting that the Board is moving to closed session for purposes of recognizing a noticed appearance. She indicated that guests of this meeting are more than welcome to return once the Board has returned to open session.

CLOSED SESSION

MOTION: Mania Moore moved, seconded by Kathleen Schneider, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Steven Conway-yes; Wendy Henrichs-yes; James Koshick-yes; Mania Moore-yes; Kathleen Schneider-yes; and Steven Silverman-yes. Motion carried unanimously.

Open session recessed at 12:52 p.m.

(Dr. Steven Silverman was connected by phone at 12:52 p.m. to participate in discussion of the agenda item titled "Chris Blythe – Assistant Attorney General, WI Department of Justice – Judith A. Yager D.C. vs. Department of Regulation and Licensing, Chiropractic Examining Board, Case No. 10 CV 1469" and was excused from the meeting at 1:10 p.m.)

RECONVENE TO OPEN SESSION

MOTION: Mania Moore moved, seconded by Steven Conway, to reconvene in open session. Motion carried unanimously.

CREDENTIALING/EDUCATION & EXAMINATION ISSUES

DISCUSSION OF THE PRACTICAL EXAM

The Board continued discussion of the practical examination. The Board agreed that it would like to move forward with respect to the examination. The Board decided that a meeting of Wendy Henrichs, Secretary Jackson and other pertinent Department staff should take place as discussed at a previous meeting. Wendy Henrichs indicated that such a meeting would require open-minded discussion on the part of all parties. The concerned parties would need to explore their options without eliminating possibilities prior to any substantive discussion of how such possibilities could be achieved. She indicated that it would be appropriate to discuss how to accomplish the utilization of live subjects within the budget constraints of the Department. The Board requested that the meeting be arranged as soon as possible.

DIVISION OF ENFORCEMENT

**CASE CLOSINGS AND CASE STATUS REPORTS, INCLUDING ANY RECEIVED
AFTER MAILING OF AGENDA**

07 CHI 035

MOTION: James Koshick moved, seconded by Steven Conway, to close case 07 CHI 035 for insufficient evidence. Motion carried unanimously.

09 CHI 045

MOTION: Mania Moore moved, seconded by Steven Conway, to close case 09 CHI 045 for no violation against all respondents. Motion carried unanimously.

**DELIBERATION OF ORDER FIXING COSTS OR ANY RECEIVED AFTER THE
MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED STIPULATIONS, INCLUDING ANY SIGNED
AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED FINAL DECISIONS & ORDERS, INCLUDING ANY
THAT MAY BE SIGNED AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED ADMINISTRATIVE WARNINGS, INCLUDING ANY
RECEIVED AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PETITIONS FOR REHEARING, INCLUDING ANY RECEIVED
AFTER THE MAILING OF THE AGENDA**

None.

**REVIEW OF APPLICATIONS, INCLUDING ANY RECEIVED AFTER MAILING OF
THE AGENDA**

Application Review of Angela Lew

MOTION: Steven Conway moved, seconded by Mania Moore, to refer Angela Lew to the Division of Enforcement for unlicensed practice. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Yolanda McGowan was available to the Board for the purposes of consultation for the duration of closed session.

CHRIS BLYTHE – ASSISTANT ATTORNEY GENERAL, WI DEPARTMENT OF JUSTICE – JUDITH A. YAGER D.C. VS. DEPARTMENT OF REGULATION AND LICENSING, CHIROPRACTIC EXAMINING BOARD, CASE NO. 10 CV 1469.

Chris Blythe, Assistant Attorney General of the Wisconsin Department of Justice, appeared before the Board to discuss the handling and status of case no. 10 CV 1469, Judith Yager vs. Department of Regulation and Licensing, Chiropractic Examining Board.

NOTE: This appearance was originally scheduled for 11:45 a.m. but due to the amount of Board business the appearance was deferred until 12:45 p.m.

DELIBERATION OF MONITORING REPORTS AND ANY RECEIVED AFTER MAILING OF AGENDA

None.

DR. JUDITH A. YAGER-REVIEW

None.

DOE SIGNATURE COLLECTION

Signatures were collected for all necessary documentation.

OTHER BOARD BUSINESS

None.

Open session reconvened at 2:50 p.m.

GUIDELINES FOR DEPARTMENT IMPLEMENTATION OF CHIROPRACTIC TECHNICIAN DELEGATION PROGRAM REVIEW

This topic was addressed during Board discussion of the practical examination.

PRACTICE ISSUES

Discussion Related to Transdermal Application of Nutrients

Wendy Henrichs informed the Board that this is a question she received via e-mail. The Board reviewed this issue to determine if it accepts the transdermal application of nutrients. The Board decided that the transdermal application of nutrients does not fall outside the chiropractic scope of practice.

Discussion Related to Breast Thermography

Angela Arrington informed the Board that an e-mail came in from a concerned citizen that inquired about the use of this technology. The Board discussed the utilization of breast thermography and worked to determine if this practice is within the scope of practice for Wisconsin chiropractors. The Board felt that the use of breast thermography presents ethical boundary issues for the licensees of the Board. The Board indicated that while the practice of breast thermography is not outside the scope of practice there are reliability issues in question.

Discussion Related to the use of Ionic Footbaths and Nutritional Detox Counseling by Chiropractors

The Board discussed the uses of ionic footbaths and nutritional detoxification counseling. The Board indicated that nutritional detoxification is an acceptable practice, but questioned the use of ionic footbaths. The Board felt more research would be needed to make a determination about scope. Yolanda McGowan will contact Dr. Silverman to discuss his research in this area and will conduct additional research, which she will report to the Board at its next meeting.

Practice of Nutritional Counseling Beyond the Scope of Practice

The Board elected to defer the discussion of this item to a future meeting.

MISCELLANEOUS CORRESPONDENCE/INFORMATION AND PHONE INQUIRIES

Review Letters Requesting Approval of Distance Learning Re-Licensure Credits for Doctors of Chiropractic

The Board acknowledged receipt of letters from its licensees, and a number of other letters from people not clearly identified as chiropractic doctors, requesting the Board to allow the utilization of online continuing education courses for the purposes of meeting renewal requirements.

TRAVEL

Dr. Koshick to Report on 84th FCLB Annual Educational Congress in Baltimore, MD

Dr Koshick reported to the Board regarding his travel to the Federation of Chiropractic Licensing Boards (FCLB) Annual Educational Congress. He indicated that the FCLB is a valuable resource that is under utilized by the Board. In closing Dr. Koshick thanked the Board for delegating him as the Board's representative.

PUBLIC COMMENTS

The Board recognized public comments from a number of individuals as provided below:

Dr. Elizabeth McLean, Moraine Park Technical College
Cassy Kraft, CT Student – Moraine Park Technical College
Corrine Seidel, CT Graduate – Moraine Park Technical College
Morna Foy, Assistant Vice President – Wisconsin Technical College Systems (WTCS),
Secretary Celia Jackson-Secretary of Department of Regulation and Licensing

ADJOURNMENT

MOTION: James Koshick moved, seconded by Steven Conway, to adjourn the meeting at 3:19 p.m. Motion carried unanimously.